

CATHLEEN S. YONAHARA

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January 12, 2010

Honorable Patricia V. Trumbull  
United States District Court  
Northern District of California  
280 South 1st Street  
San Jose, CA 95113

**Re: *eBay, Inc. v. Digital Point Solutions, Inc., et al.***  
**USDC Case No. CV-08-4052 JF (PVT)**

Dear Judge Trumbull:

Defendants Todd Dunning and Dunning Enterprise, Inc. (the "Dunning Defendants") hereby respond to the instruction in your order of November 19, 2009 that the parties advise the Court regarding the status of the criminal proceedings against Defendants Shawn Hogan, Brian Dunning and Todd Dunning not less than 10 days before the next scheduled Case Management Conference. The Dunning Defendants are not aware of any change in the status of the criminal proceedings as to any of the defendants since the time of the last hearing before this court on November 13, 2009.

Sincerely,

FREELAND COOPER & FOREMAN LLP



Cathleen S. Yonahara

CSY/jej

cc: Patrick McClellan, Esq.  
Seyamack Kouretchian, Esq.  
Colleen Kennedy, Esq.  
Leo J. Presiado, Esq.